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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **WATANABE et al.**

Serial Number: **09/320,271**

Group Art Unit: **2825**

Filed: **May 27, 1999**

Examiner: **C. Lee**

For: **SEMICONDUCTOR DEVICE AND FABRICATION METHOD THEREOF**

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

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Commissioner for Patents
Washington, D.C. 20231

Date: December 2001

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Sir:

In response to the Office Action dated September 27, 2001, applicants request favorable reconsideration of the above-identified application. Claims 1-13 and 21 are pending.

Claims 1-13 and 21 were rejected under 35 USC § 102(e) as being anticipated by *Mizuhara et al.* or *Watanabe et al.* This rejection is respectfully traversed.

With respect to *Mizuhara et al.*, the Examiner considers Figs. 9 and 10 as corresponding to a teaching of forming a "trench" 12 in the first insulation layer and embedding and forming a first conductor layer 13 in said trench. Applicants respectfully disagree.

The so-called "trench" 12 of *Mizuhara et al.* is not a trench, but is a via hole. See column 4, lines 61-63, which discusses the via holes 12. Since *Mizuhara et al.* does not teach a trench, *Mizuhara et al.* does not anticipate the claims.

With respect to *Watanabe et al.*, the Examiner takes a similar position that a "trench" 10 is formed in the insulation layer. However, this "trench" is not a trench, but also a via hole. Accordingly, *Watanabe et al.* also fails to anticipate the present claims.


For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

In the event that this paper is not timely filed, applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect to this paper, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,

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